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TO: Office of Finance
 COMPANY: U.S. Patent & Trademark Office
 FAX NUMBER: (703) 308-5077
 PHONE NUMBER:
 RE: Request for Refund

FROM: Grady K. Bergen
 DATE: 07/27/2004
 TOTAL NO. OF PAGES INCLUDING COVER: 1
 SENDER'S REFERENCE NUMBER: F-727-DIV (ATOF-30032-2-DIV)
 YOUR REFERENCE NUMBER: 09/973,207

☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☒ NO CONFIRMATION WILL FOLLOW

NOTES/COMMENTS:
 Dear Sir:

This is a request for a refund of a duplicate payment in the amount of \$110.00 in connection with payment of a terminal disclaimer (Fee Code 1814) for U.S. Application Serial No. 09/973,207.

Applicants submitted a terminal disclaimer in this case along with the required fee of \$110.00 under 37 C.F.R. §1.20(d) on March 4, 2004, which was paid by credit card. Applicants subsequently learned that the terminal disclaimer of March 4, 2004 was considered defective.

On June 11, 2004, Applicants submitted another terminal disclaimer to replace the defective one. Since the terminal disclaimer fee had already been paid with the prior terminal disclaimer, Applicant did not submit a new terminal disclaimer fee.

The Monthly Statement of Deposit Account dated June 30, 2004 for Deposit Account No. 50-1899 now shows a charge of \$110.00 (Fee Code 1814) in connection with Application Serial No. 09/973,207.

Applicants request that a refund in the amount of \$110.00 be applied to Deposit Account No. 50-1899.

Respectfully submitted,

Grady K. Bergen
 Reg. No. 37,587
 Attorney for Applicants

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PTO/SB/28 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)
ATOF-30032-2-DIV (F-727-DIV)

In re Application of: Haveaux, et al.

Application No.: 09/973,207

Filed: October 9, 2001

For: Polyolefins and Uses Thereof

The owner, Fina Research, S.A., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,348,272 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.


June 10, 2004
Signature Date

Grady K. Bergen, Reg. No. 37,587

Typed or printed name

(214) 665-9568

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/98 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Adjustment date: 08/27/2004 EEKURAY1
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